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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,968	10/29/2003	Ken Salter	GTL-15-GF	7996
22827 7590 01/24/2008 DORITY & MANNING, P.A. POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449			EXAMINER MARCELO, MELVIN C	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 01/24/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/695,968

Applicant(s)

SALTER ET AL.

Examiner

Melvin Marcelo

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 18-22 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of Group I, claims 1-17 in the reply filed on 10-29-2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: handset 31, wire plug 6, face 29 and phone housing 24 as described in the specification, page 10, line 22 to page 11, line 1.. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the method steps must be shown or the feature(s) canceled from the claim(s) (Note: this objection also corresponds to the 112, 1st paragraph rejection of the claimed method below). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing

sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to because the box diagrams lack descriptive labels. Descriptive labels in drawings are important for use as search tools for quickly understanding the invention. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the

examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

5. The disclosure is objected to because of the following informalities: The Brief Description of the Drawings on page 7 fails to mention Figure 5.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 1-17 are directed to a method performing process steps. However, the drawings do not show the process steps nor the connection of the device elements in order to understand the process steps. For example, claim 14 recites the "step of sending data includes multiplexing the data by moving the data in both directions on the first lines." The drawings do not show a multiplexing element nor a duplexing element. In Figure 1, the individual elements of the circuit board 19 are shown as not connected; therefore, it is not clear how data is multiplexed or duplexed on the data lines 4 or 5. Other examples include claim 15 and 16, wherein the recited functions "using several frequencies on the same channel to transmit several different streams of data, from different readers, simultaneously" and "providing multiple

streams of data which streams of data include sampling for data assigned to a particular location on the data stream" are not shown.

The specification is not helpful in describing how the process steps are accomplished. For example, on page 20, lines 2-5 of the specification, the "data originating at the phone is sent to the combining unit here API 37 and CPU 21 which combines the data as well as the analog signal utilizing the clock information in order to present a complete package later." The device elements API 37 and CPU 21 are described as to what they do rather than how they do these functions. How does the API 37 and CPU 21 perform these functions? Are these well known functions? The specification recites on page 24, line 16, the "2 wire solution uses IIS proprietary networking protocol" which is used to "achieve full-duplex protocol over the second pair, preferably a twisted pair, so that communications between the CBU CPU and phone CPU is expedited." Is this protocol a publicly disclosed proprietary protocol or is it kept non-publicly disclosed?

Applicant should provide drawings consistent with the claimed subject matter such as a flow diagram showing the claimed process steps of claim 1 "generating first data", "generating second data", "prioritizing first data relative to second data", "determining bandwidth required to transmit first data", "sending first data within the bandwidth associated on the first lines" and "using bandwidth as available to include the second data" of their device. Additionally, each claimed process step should be compared with their disclosed embodiment so as to determine whether the individual process step is adequately described in terms of how they are accomplished, rather than that individual device elements perform these functions without explanations of how they are accomplished or whether they are well known functions of these device elements. How is the "generating data" performed? How is the "prioritizing" performed?

How is the "determining bandwidth" performed? How is the "sending the data" performed?

How is the "using bandwidth as available" performed?

8. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 7, "the at least one first byte digital data" lacks a proper antecedent basis since the "at least one first data" in line 4 is not described as "digital."

Claim 1, line 9, "preferentially" is vague since it is not clear what determines the "preference."

Claim 1, line 11, "the at least one second digital data" lacks a proper antecedent basis.

Claim 2, line 5, it is not clear what is meant by "the parameter" since there is no prior mention of "parameter."

Claim 2 is missing a period to end the claim.

Claim 3 is ambiguous since there are two steps of generating.

Claim 6, line 1, "hears" should be --means--.

Claim 7, "the most efficient" is ambiguous since there is no guidelines in order to determine what constitutes the most efficient from the less efficient.

Claim 8 is missing a period to end the claim.

Claim 9, line 2, "date" should be --data--.

Claim 9 is missing a period to end the claim.

Claim 12, line 8, "preferably a plurality" contradicts "at least one" since it cannot be one if the preference is a plurality.

Claim 13, line 1, "the device of claim 1" lacks a proper antecedent basis since claim 1 is a method, rather than a device.

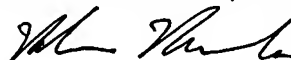
Claim 13 is missing a period at the end of the claim.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin Marcelo whose telephone number is 571-272-3125. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Melvin Marcelo  
Primary Examiner  
Art Unit 2616

January 22, 2008